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June 10, 2014

Martha Coakley, Esquire
Attorney General
Commonwealth of Massachusetts
One Ashburton Place
Floor Twenty
Boston, MA 02108-1518

Re: Jason Davis
Vs: Paul Rennie, et al
Civil Action Number: 96-11598-MEL

Attorney General Coakley:

I hope you are well.

I would first like to thank you for your response which is attached. I also attach the entire email chain exchanged between us in recent months which is marked "A", attached hereto, incorporated herein and expressly made a part hereof.¹ The instant letter specifically responds to the email which was forwarded to the undersigned by Mr. Bedrosian of your Office and copied to you on June 8, 2014 at 5:47 PM.

I represented Jason Davis, while he was alive, and continue to represent his Estate and family. See Davis v. Rennie, 264 F. 3d 86 (1st Cir. 2001); Davis v. Rennie, 997 F. Supp. 137 (D. Mass. 1998); Davis v. Rennie, 553 U.S. 1053 (2002); Davis v. Rennie, 178 F. Supp. 2d 28 (D. Mass. 2001).

While it is true that the Davis matter is pending in the State House, as a legislative matter, this observation by Mr. Bedrosian "misses the mark" for an assortment of different reasons. The legislative process is fraught with difficulties, defeat always looms large and no positive end result can ever be expected. Indeed, in the pending legislative process, the initial House Amendment to the Fiscal Year 2015 Budget provided for a proposed payment of only \$500,000 against a Federal Court Jury Verdict of 2.1 million dollars. Thereafter, a Senate Amendment to the Fiscal Year 2015 Budget, which sought payment of the entire jury verdict, was resoundingly defeated. The hopes of the Davis family now hinge upon a joint conference committee where the possibility of victory might well just be a scant hope. Leaving the Davis family to suffer through the vagaries of the legislative process is not fair, equitable or moral. It is also not constitutional. Its plight certainly should not be that tenuous; especially since they have suffered for 21 years. Such suffering, as you know, included enduring a four (4) week trial, an appeal to the First Circuit, as filed by the Attorney General, and the

¹ These emails are eight (8) pages in length.

filing by the Attorney General of a Writ of Certiorari with the United States Supreme Court. Jason Davis was acutely suicidal throughout the appellate process which caused his family and loved ones to themselves sustain acute stress throughout this four (4) year period.

I will briefly recount the uncontroverted factual circumstances of the Davis case since they are pertinent to the ultimate legal conclusions which I will draw. These facts also evidence the acutely immoral conduct of the Commonwealth over the course of the last 21 years continuing to this date. On August 12, 1993 Jason Davis was an acutely mentally ill involuntarily committed inpatient housed at the Department of Mental Health's Westborough State Hospital facility. On that date he was beaten bloody by one Mental Health Care Worker (Phillip Bragg) while several other Mental Health Care Workers pinned him to the floor and while still others looked on and did nothing. Two of the staff members, who perpetuated the savage beating, were convicted violent felons which the Department of Mental Health - which operated the hospital - knew at hire.² A Nursing Supervisor (Joyce Weigers) looked on and actually encouraged the beating being performed by her boyfriend (Phillip Bragg). Jason Davis commenced a legal case in the Federal District Court in Boston where he won a 1998 jury verdict after a four week trial.³ The verdict now stands at 2.1 million dollars.

Special State Police Officer Plesh, who came upon the scene and stopped the carnage upon Jason Davis, testified during the course of the four week Federal Civil Rights trial that he "noticed that [Jason Davis' eyes] were rolling out of his head. [He] could see the whites of his eyes. The eyes were up to the top. He was in what [Greg Plesh] would call a semi-conscious state." Officer Plesh testified further that he "feared [that Jason Davis] had a hurt neck, that his neck might have been broken". See Davis, 264 F. 3d, at 94-95; Trial Transcripts. Another eyewitness to the incident, the Defendant, Nicholas Tassone, observed that Jason Davis looked like "a fighter looks after they get out of the ring, how sometimes they get cut on their eye, and they have blood dripping down their face." Mr. Tassone testified further that he observed a puddle of blood beside Jason Davis' head at the scene of the incident. The Charge Nurse, Joyce Weigers, told Davis, after the beating, that "this is what you get when you act – this is what you get when you act like this." Id.

Through its reported opinion the First Circuit recounted the brutalization of Jason Davis via the trial testimony of Special State Police Officer Greg Plesh and Jason Davis:

He recounted: 'Jason is lying down the hallway, head is away from me, feet are towards me. Staff is encircling him. And it's not what I saw, it's what I felt. I initially felt the thud through the [concrete] floor and then heard a thud.' Plesh said he looked up and saw Bragg punch Davis in the head four to five times. Plesh continued: I turned to Joyce Wieggers who was on my right shoulder. When I saw Jason Davis being punched, I said, 'Did you see that? Are you going to do anything about this? Are you going to allow this to happen?.' She didn't say anything, and I really wasn't waiting at that point. Some more was occurring and at that point I decided to intervene. As the MHWs began rolling the patient onto his stomach, Bragg twisted Davis's neck to the side and Plesh climbed over the other MHWs to push Bragg away. Davis testified about the punching: 'It was over and over and over and over again. It was like it would never stop. And then I was calling for help and nobody was stopping them and they kept hitting me. I felt the blood;

² I previously provided you with the indictments and plea dispositions of Phillip Bragg and Paul Rennie.

³ A former Commissioner of the DMH, Eileen P. Elias, testified at trial that Phillip Bragg should not have been employed as a Mental Health Care Worker in 1992 (one year before the incident) given his violent tendencies.

it was, you know, it was coming down my face.' Plesh said that Davis's 'eyes were rolling out of his head,' that '[t]here was swelling, bruising all in his face,' and that he checked to make sure that Davis's neck had not been broken. Tassone said that Davis's face was cut and bloody.

Davis, 264 F. 3d, at 94. (brackets supplied).

Special State Police Officer Greg Plesh testified at trial about the condition of Jason Davis' face in the midst of the bloody beating:

The twist was so severe I at that point went around the pile, around Phillip Bragg, pushed Phillip Bragg off Jason Davis' head with my shoulder and then instantly went to his neck. And at that point, I noticed that his eyes were rolling out of his head. You could see the whites of his eyes. The eyes were up to the top. He was in a, what I would call a semiconscious state. There was some bleeding on the floor. There was swelling, bruising all in his face noticeable at that time.

Special State Police Officer Greg Plesh filed an incident report which includes the following paragraph:

As many as eight (8) staff members were on top of Jason. Phillip Bragg was up by Jason's head and this officer observed him punch Jason Davis five or six times with extremely hard blows. This officer could hear every impact and instantly the client started to bleed and swell in the area of the eyes, forehead and temple area. I moved into stop the staff member but before I could get there Phillip used a head twist technique that I did have to stop. Extreme force was used, Jason's neck was being twisted to its limit. Phillip put a knee on Jason's head and with both hands was forcing Jason's head down into the floor. (Push up position). Jason could not stop resisting the other nursing staff at this point. This is an automatic defense response. This officer moved Phillip off Jason's head and checked his neck to make sure it had not been broke. Jason calmed down as soon as his head was released. While Phillip was holding Jason's head down the officer observed him say to Jason, this is what you wanted, what you got. (parentheses in original).

The First Circuit recounted the acute psychiatric injuries sustained by Jason Davis, as per his treating psychiatrist, within its reported opinion:

Davis presented additional medical evidence at trial from Dr. R. Amos Zeidman, his treating psychiatrist for periods beginning in 1991. In late 1996 or early 1997, Dr. Zeidman diagnosed Davis with Post Traumatic Stress Disorder (PTSD) as a result of the physical restraint at Westborough. He said that Davis 'was horrified' by the event because '[h]e thought he was going to die.' Dr. Zeidman said that Davis's PTSD symptoms included insomnia, anxiety, panic states, flashbacks, nightmares, and an inability to concentrate. He said that Davis was having difficulty making progress in therapy because he was afraid to trust anyone and that '[t]he quality of his life has suffered terribly for this.' Here, the evidence supports a finding of significant actual and potential harm. According to Dr. Zeidman, the psychological harm Davis has suffered from the incident has seriously affected his quality of life, causing a range of PTSD symptoms, demonstrating the reasonable relationship between the injury and the amount of the award. (emphasis supplied).

See Davis, 264 F. 3d, at 95, 91-96, 115-117.

Following the incident a massive cover up ensued, as observed by the First Circuit Court of Appeals, which included false allegations against Special State Police Officer Greg Plesh and the "doctoring up" of medical records by Charge Nurse Joyce Weigers. See Davis, 264 F. 3d, at 94-96, 115-117, 86-117 (1st Cir. 2001). Jason Davis' life went into a downward spiral, after the events of August 12, 1993, and he died six (6) years after his trial. Jason Davis was 38 years old when he died.

The Commonwealth of Massachusetts; through its Attorney General, appealed to the United States Court of Appeals for the First Circuit and thereafter attempted to appeal to the United States Supreme Court. Jason Davis "won" in all three Federal Courts: he won the four (4) week Federal District Court trial, he won the appeal in the First Circuit Court of Appeals and the Commonwealth's Writ of Certiorari was denied by the United States Supreme Court. This matter constitutes, as the reported opinions on the Davis case demonstrate, one of the most vile circumstances in the history of the Massachusetts' Department of Mental Health. My word need not be taken, as to any of the facts of the Davis case, since the First Circuit Court of Appeals has already recounted these gruesome factual circumstances, in its rather robust reported opinion, and since the Attorney General's Office possesses the entire trial transcript and exhibits in its archives. See Davis, 264 F. 3d, at 91-96, 115-117. The Davis case is actually a landmark civil rights case for it expressly holds that Doctors, Nurses and Staff members employed at State operated mental institutions have a constitutional obligation, under the Fourteenth Amendment's Due Process Clause, to intervene and curtail physical abuse by fellow staff upon involuntarily committed mentally ill inpatients. Id., at 264 F. 3d, at 97-102. For its part the Commonwealth, through its then Attorney Generals, actually asserted in three federal courts that there was no constitutional obligation - on the part of the staff who stood idly by and watched Jason Davis being savagely brutalized - to intervene and stop the bloody carnage which was taking place. Each of these three federal courts necessarily rejected this contention. I turn now to the "fly in the ointment".

The Commonwealth's position, in regard to the Davis verdict, has remained the same for nearly 17 years: the Commonwealth has continuously posited that it cannot and will not indemnify intent based civil rights claims asserted against individual employees since only claims sounding in negligence (unintentional harm) are subject to indemnification under applicable State law. See M.G.L. c. 258, §§ 2, 9. The Davis family readily concedes that the 1998 federal jury verdict was rendered relative to intent based civil rights claims which are, on their face, not subject to indemnification under M.G.L. c. 258, §9 in the context presented in Davis.⁴ See Davis, 264 F. 3d, at 86 - 116; Jury Verdict. On its face, only negligent conduct is subject to indemnification under M.G.L. c. 258, §9; not conduct which is grossly negligent, willful or malicious. See M.G.L. c. 258, §9.

On June 11, 2008 the Governor's office, through its Deputy Chief Counsel, echoed this sentiment:

I have reviewed the materials that you have provided and researched the applicable law. Section 9 of Chapter 258 of the General Laws governs the Commonwealth's ability to pay judgments arising out of intentional tort or civil rights actions filed against individual state employees. The statute prohibits the Commonwealth from indemnifying an

⁴ The employees in Davis did not hold an office under the Massachusetts Constitution.

employee for civil rights violations involving grossly negligent, willful or malicious conduct.

The fly in the ointment with this "position", however, is that such is actually not the case. Joshua Messier was murdered during a restraint which went horribly awry at the Bridgewater State Hospital. You represent the Messier Defendants. Only recently you and the sitting Governor, Duvall Patrick, in your official capacities, agreed to pay 3 million dollars to the Messier family for the intent based civil rights claims it asserted against individual employees. Nine individuals are named as Defendants in the Messier case. None of the defendant employees in Messier are constitutional officers. These civil rights claims, as you also know, arose in the mental health context.

The first five words of the Complaint, which was filed by the Estate of Joshua Messier, read as follows: "[t]his is a civil rights action..." Indeed, the first three counts of the complaint are expressly premised upon State and Federal civil rights statutes. Counts IV, V and VI of the Complaint sound in Assault, Battery and Intentional Infliction of Emotional Distress which claims are also not supposed to be subject to indemnification given that the complained of conduct is intentional, willful and malicious. See M.G.L. c. 258, §§2, 9. Although the State is concededly a named as a party in the Messier case, the negligence claims asserted against it are collectively capped at \$100,000 under M.G.L. c. 258, §2. Thus, 2.9 million dollars of the 3 million dollar settlement to be paid by the Commonwealth in Messier will be paid by it for intent based civil rights claims asserted against individuals.⁵

It is beyond all doubt that the Messier family will soon be paid for intent based civil rights claims in violation not only of State law but in contradiction of the very basis upon which Jason Davis has long been denied payment of his verdict by the Commonwealth of Massachusetts. I am sincerely glad that the Messier family will be paid. They deserve such a sum for their acute pain. That said, the Davis family deserves to be paid as well. They have struggled for 21 years. There should be equal handed treatment, as between the Messier and Davis families, since each of them has suffered greatly and since each of them is identically circumstanced. If the Commonwealth, as it has, sees fit to compensate the Messier family for intent based civil rights claims, asserted against individuals, then it must do the same for the Davis family. The Constitution could command no less.

The "purpose of the Equal Protection Clause of the Fourteenth Amendment is to secure every person within the State's jurisdiction against intentional and arbitrary discrimination, whether occasioned by the express terms of a statute or by its improper execution through duly constituted agents." Village of Willowbrook v. Olech, 528 U.S. 562, 564 (2000) (citation omitted). "Though the law itself be fair on its face and impartial in appearance, yet, if it is applied and administered by public authority with an evil eye and an unequal hand, so as practically to make unjust and unequal discriminations between persons in similar circumstances, material to their rights, the denial of equal justice is still within the prohibition of the Constitution." Yick Wo v. Hopkins, 118 U.S. 356, 373-

⁵ If the release in Messier were drawn to settle only the negligence claims, for 3 million dollars, this "settlement" posture would be acutely disingenuous for the following reasons: (i) negligence claims, asserted against the State or any one of its departments, are capped at \$100,000; (ii) the Messier Complaint itself is captioned as a civil rights complaint and seeks civil rights damages and relief; (iii) the autopsy dictates that the complained of conduct was intentional, willful and malicious; (iv) the video of the murder of Joshua Messier dictates that the complained of conduct was intentional, willful and malicious; and (v) Governor Patrick's comments, in the aftermath of the Messier murder, dictate that the complained of conduct was intentional, willful and malicious as actually conceded by the Commonwealth through such comments. As an aside and as a matter of law, a tort action cannot – at once – be both intentional and negligent.

374 (1886). "When we consider the nature and theory of our institutions of government, the principals upon which they are supposed to rest, and review the history of their development, we are constrained to conclude that they do not mean to leave room for the play and action of purely personal and arbitrary power." *Id.*, at 369-370.

The payment by the Attorney General and the Governor of the intent based civil rights claims in Messier – while concurrently depriving the Davis family of the payment of their intent based civil rights claims because such payments are supposedly foreclosed under State law – plainly and simply implements invidious, arbitrary, vexatious and intentional discrimination relative to two identically circumstanced families. This constitutes governmental conduct which is "purely personal and arbitrary..." *Id.*, at 369-370. It is the very type of conduct at which the Fourteenth Amendment directs itself through its Equal Protection and Due Process Clauses.⁶ Our Constitution manifestly does not sanction the blatant and vexatious discrimination which has been and is being practiced here. "The touchstone of due process is the protection of the individual against arbitrary action of the government." *Dent v. West Virginia*, 129 U.S. 114, 123 (1889). What could be more arbitrary than the conduct at issue here? The Commonwealth's conduct, in providing the Messier family with a right they concurrently deprive the Davis family of in an identical circumstance, affronts the most basic and oldest tenets of our Constitution:

It is wholly unreasonable and arbitrary. It violates the cardinal precept upon which the constitutional safeguards of personal liberty ultimately rest -- that this shall be a government of laws -- because, to the precise extent that the mere will of an official or an official body is permitted to take the place of allowable official discretion or to supplant the standing law as a rule of human conduct, the government ceases to be one of laws and becomes an autocracy. Against the threat of such a contingency, the courts have always been vigilant, and, if they are to perform their constitutional duties in the future, must never cease to be vigilant, to detect and turn aside the danger at its beginning. The admonition of Mr. Justice Bradley in *Boyd v. United States*, 116 U. S. 616, 116 U. S. 635, should never be forgotten: 'It may be that it is the obnoxious thing in its mildest and least repulsive form; but illegitimate and unconstitutional practices get their first footing in that way, namely, by silent approaches and slight deviations from legal modes of procedure. . . . It is the duty of courts to be watchful for the constitutional rights of the citizen, and against any stealthy encroachments thereon. Their motto should be *obsta principiis*.' Arbitrary power and the rule of the Constitution cannot both exist. They are antagonistic and incompatible forces, and one or the other must of necessity perish whenever they are brought into conflict. To borrow the words of Mr. Justice Day, 'there is no place in our constitutional system for the exercise of arbitrary power.' *Garfield v. Goldsby*, 211 U. S. 249, 211 U. S. 262. To escape assumptions of such power on the part of the three primary departments of the government is not enough. Our institutions must be kept free from the appropriation of unauthorized power by lesser agencies as well. And if the various administrative bureaus and commissions, necessarily called

⁶The Supreme Court has expressly recognized that illegal discriminations under the Equal Protection Clause "may be so unjustifiable as to be violative of due process." *Bolling v. Sharpe*, 347 U.S. 497, 499 (1954). On the very same day that it held that States could not maintain racially segregated schools under the Equal Protection Clause the Supreme Court also held that the District of Columbia could not do so under the Due Process Clause of the Fifth Amendment insofar as racial discrimination concurrently violated due process. *Id.*; *Brown v. Board of Education*, 347 U.S. 483, 495 (1954); See also *Schneider v. Rusk*, 377 U.S. 163, 168 (1964).

and being called into existence by the increasing complexities of our modern business and political affairs, are permitted gradually to extend their powers by encroachments -- even petty encroachments -- upon the fundamental rights, privileges, and immunities of the people, we shall in the end, while avoiding the fatal consequences of a supreme autocracy, become submerged by a multitude of minor invasions of personal rights, less destructive but no less violative of constitutional guaranties.

Jones v SEC, 298 U.S. 1, 23-25 (1936).

The discrimination here is as crude as it is vexatious. One family is awarded with a guaranteed payment of their intent based civil rights claims while another family is informed that such a payment is forbidden under State law. The second family is then relegated to the legislative process where it must, in effect, sing for its supper. It obtains no guaranteed payment and its prospects for defeat loom large after a 21 year struggle. Both the Davis and the Messier families each deserve a guaranteed payment. The Equal Protection and Due Process Clauses of the Fourteenth Amendment to the United States Constitution could command no less. The Messier family was lucky in one respect: it did not have to submit to grueling legislative process, a one month trial, two appeals and numerous payment rejections based upon the dictate of a State law which was never even applied to it.

I call upon you, Mrs. Attorney General, to provide the Davis family with the treatment accorded to the Messier family: payment of the entire Davis verdict at once. If such an offer is not extended by you to the Davis family, within ten (10) business days next following the above date, it will assume that no such offer will be forthcoming. If you will not provide the requested relief please advise me of such fact in writing at your earliest possible convenience.

You have access to the reported cases, all trial transcripts and all trial exhibits in the Davis case. I previously forwarded you an assortment of documents including the Janet Wu TV (WCVB -- Channel 5) video link, the link to Adrian Walker's (Boston Globe) article and the plea dispositions of the two (2) convicted violent felons who, with others, beat Jason Davis bloody. Enough is enough. The Davis family is tired. It has suffered greatly and continues to suffer at the hands of the State. We call upon you, as the lead law enforcement officer of this State and the advocate for the citizens of the Commonwealth, to end this suffering. The prior and continuing conduct of the Attorney General's office is manifestly shameful. You should do the right thing -- right now. I respectfully submit that "passing the buck" to the legislature is not the "right thing". The adage that the King can turn a blind eye and a deaf ear to the very harm which he has caused -- through his own egregious conduct -- is not tenable. This is especially so when this conduct placed society's most vulnerable citizens (mentally ill) in harm's way. It is not surprising that harm was, in fact, occasioned upon one of these citizens.

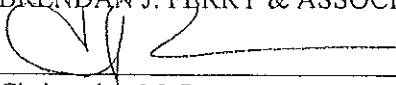
It is time to end this sordid and protracted display of alarmingly immoral conduct on behalf of our State and, in particular, the Office of the Attorney General. The Davis family will not be left to wrangle in the legislature. You profess, with all due respect, to be the protector of the mentally ill. I would ask that you to live up to this mantle. The Constitution compels the Commonwealth to pay the Davis verdict at this juncture but one would think morality alone would compel this same result. We are, after all, a civilized society. We should act like one in the context of the Davis case. Democrats perpetually posit that civil rights is an essential plank of their party platform. I respectfully submit that this "plank" is nowhere to be found in the context of the Davis case.

In the event that this matter is not resolved within the above time period the Estate of Jason Davis will engage in all legal activities necessary to protect its interests. **The Davis family will not, however, sing for its supper any longer.**

In the ensuing weeks and months it will indeed be interesting to discern the precise posture of your Office in the context of the Davis case legislative process.

It would be nice to forthwith close the door on one of the ugliest chapters in the history of our State.

Sincerely
BRENDAN J. PERRY & ASSOCIATES, P.C.

By: 

Christopher M. Perry

CMP/pmc
Enclosures

Certified Mail Return Receipt Requested No.: 7010 3090 0002 1873 7026

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EXHIBIT "A"

10



Christopher Perry <cperrylaw@gmail.com>

Jason Davis Case

Christopher Perry <cperrylaw@gmail.com>

Wed, Mar 26, 2014 at 12:12 PM

To: martha.coakley@state.ma.us, ed.bedrosian@state.ma.us

Dear Attorney General Coakley:

I read with great interest today's article in *The Boston Globe* by Michael Rezendes regarding the settlement in the Joshua Messier case. As you know, the Davis v. Rennie case mirrors the tragedy that occurred in the Joshua Messier case. Jason Davis obtained a judgement in 1998 from the Federal District Court here in Boston which now stands at nearly \$2.1M which judgment was upheld by the the First Circuit Court of Appeals in 2001 and then the U.S. Supreme Court in 2002 through its denial of certiorari.

We humbly expect and would respectfully request, given the swift resolution by your office of the Messier case, that you immediately move to pay the judgement on the State's behalf in the Davis vs. Rennie case.

I would like to meet with you as soon as possible to discuss specifically how this matter could be resolved in the short term.

I sincerely appreciate your attention to this matter.

Christopher M. Perry, Esquire
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Christopher Perry <cperrylaw@gmail.com>

Jason Davis Case

Bedrosian, Ed (AGO) <ed.bedrosian@state.ma.us>

Fri, Mar 28, 2014 at 3:06 PM

To: Christopher Perry <cperrylaw@gmail.com>, "Coakley, Martha (AGO)" <martha.coakley@state.ma.us>

Attorney Perry,

I want to acknowledge receipt of your e-mail. I understand your client's case has a long history. Please allow me some time to review the history and contact you sometime next week.

Thank you.

Ed Bedrosian Jr.

Edward R. Bedrosian Jr.

First Assistant Attorney General

Massachusetts Attorney General's Office

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From: Christopher Perry [mailto:cperrylaw@gmail.com]

Sent: Wednesday, March 26, 2014 12:15 PM

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To: Coakley, Martha (AGO); Bedrosian, Ed (AGO)
Subject: Fwd: Jason Davis Case

[Quoted text hidden]

B



Christopher Perry <cperrylaw@gmail.com>

Jason Davis Case

Christopher Perry <cperrylaw@gmail.com>

Thu, Apr 3, 2014 at 11:50 AM

To: "Bedrosian, Ed (AGO)" <ed.bedrosian@state.ma.us>

Cc: "Coakley, Martha (AGO)" <martha.coakley@state.ma.us>

Mr. Bedrosian and Attorney General Coakley:

Thank you very much for your response to my 3.26.14 email, regarding the Jason Davis case, and your consideration of this matter.

Attorney General Coakley; I must say that it was a pleasure to have had a chance to talk to you for 10 minutes or so, with my cousin, Brendan Shea, at Senator Clark's fundraiser in Medford in September. It was nice to learn that you have family who lives in Holliston! What a great Town it is.

This case does have, as you noted, an extensive history. Toward that end, I set forth two links (Adrian Walker's 3.10.14 Boston Globe article and Janet Wu's 3.11.14 piece on WCVB) relative to the Davis case:

<http://www.bostonglobe.com/metro/2014/03/09/jason-davis-beating-foreshadowed-joshua-messiah-tragedy/JUTn1QniHkN8SCnrwqk9IK/story.html>

<http://www.wcvb.com/news/Family-waits-years-for-millions-after-son-beaten-at-hospital/24914784>

I also attach *two* of the reported opinions from the Davis case regarding his having been "voluntarily admitted" to the WBSH while incompetent (Federal District Court opinion) and the First Circuit opinion which recounts the violence inflicted upon him by numerous Mental Health Care workers two of whom were convicted violent felons at hire. The First Circuit opinion recounts as well the physical and acute psychiatric injuries received by Jason Davis.

I attach the indictments and criminal docket sheet entries which, in fact, prove that two of the Davis culprits (Phillip Bragg and Paul Rennie) were convicted violent felons at hire. Lastly, I attach the transcript relative to Nicholas Tassone and the Arrest Report. This transcript is a critical read. Mr. Tassone was the lone Mental Health Care Worker who told any semblance of the truth.








I hope that I can meet with you two at the earliest possible time to discuss not only the Davis case itself but the cure for the ills which plague our DOC and DMH in regard to the mentally ill. The cure has been at hand since the Davis verdict in 1998; actually well before it. It would be great to help the State save our most voiceless, defenseless and vulnerable citizens from further harm through the administration of curative policies which could be immediately implemented.

Thank you again for the consideration of these most important matters. I hope you each have a great day.

Christopher M. Perry, Esquire
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7 attachments

-  Bragg Indictments-Plea.pdf
158K
-  Rennie Indictments - Plea.pdf
264K
-  Bragg Arrest Report.pdf
242K
-  Tassone Depo 1 of 2.pdf
951K
-  Tassone Depo 2 of 2.pdf
1583K
-  997_F_supp_137.pdf
14K
-  264 F. 3d 86.pdf
2222K

15



Christopher Perry <cperrylaw@gmail.com>

Jason Davis Case

Christopher Perry <cperrylaw@gmail.com> Tue, Apr 8, 2014 at 9:23 AM
To: "Bedrosian, Ed (AGO)" <ed.bedrosian@state.ma.us>, Anne Lynch <alynch@lynchassociates.net>
Cc: "Coakley, Martha (AGO)" <martha.coakley@state.ma.us>

Mr. Bedrosian and Attorney General Coakley:

I thought you might like to read an article posted yesterday about Mr. Jason Davis in the Holliston Reporter. Nancy Farrell did a fantastic job. I must say that her 28 years at the American Experience shines through!

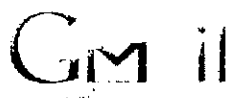
Thank you.

<http://hollistonreporter.com/article/9378/Christopher-Perry-and-the-Jason-Davis-Case.html>

Christopher M. Perry, Esquire
Brendan J. Perry & Associates, P.C.
95 Elm Street
P.O. Box 6938
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[Quoted text hidden]

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Christopher Perry <cperrylaw@gmail.com>

Jason Davis Case

Christopher Perry <cperrylaw@gmail.com>

Sat, Jun 7, 2014 at 7:38 AM

To: "Bedrosian, Ed (AGO)" <ed.bedrosian@state.ma.us>

Cc: "Coakley, Martha (AGO)" <martha.coakley@state.ma.us>

Mr. Bedrosian and Attorney General Coakley:

I still await your call Mr. Bedrosian.

I still would very much like to meet with you both in regard to the Davis case.

The Davis family has suffered for 17 years. It is time the Commonwealth did the right thing. It is in the process of "doing the right thing" for the Messier family, relative to intent based civil rights claims asserted against individuals who are not constitutional officers, and it should do the same for the Davis family. It is respectfully submitted that there is no basis to treat similarly circumstanced Estates in an acutely disparate manner. The law simply does not support such a proposition.

I thank you both and I look forward to meeting each of you.

It is time to close one of the most sordid chapters in the history of the Department of Mental Health. The Davis family needs your help to do so.

Thank you.

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On Fri, Mar 28, 2014 at 3:06 PM, Bedrosian, Ed (AGO) <ed.bedrosian@state.ma.us> wrote.
(mailto:ed.bedrosian@state.ma.us)

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Christopher Perry <cperrylaw@gmail.com>

Jason Davis Case

Bedrosian, Ed (AGO) <ed.bedrosian@state.ma.us> Sun, Jun 8, 2014 at 5:37 PM
To: Christopher Perry <cperrylaw@gmail.com>
Cc: "Coakley, Martha (AGO)" <martha.coakley@state.ma.us>, Anne Lynch <alynch@lynchassociates.net>

Attorney Perry,

I have been in communication a number of times with Anne Lynch in this matter. It was my understanding that Anne represented your interests.

I also understand that the House has taken up this matter also.

I am happy to meet and would suggest including Anne in the conversation.

Ed Bedrosian
(quoted text hidden)

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Society must stand up for mentally ill

By Martha Coakley and Mary Coakley-Welch | Sunday, November 11, 2012 | <http://www.bostonherald.com> | Op-Ed

In October 1996, at the age of 33, Edward Coakley Jr. hanged himself. He was our brother. Edward was the baby of the family, a talented pianist, and brilliant. He battled mental illness for much of his life, suffering from bipolar disorder (also known as manic-depression). Our family, and our parents in particular, did what we could to get Edward help. At one desperate point he was arrested because we thought that was the only way he would be safe. His life was shattered by, and lost to, mental illness. We loved him very much and were devastated by his suffering and death.

This is our story. But we aren't unique.

There are millions of people and families dealing with the effects of mental illness across our country. According to the National Institute on Mental Health, one in four adults suffers from a diagnosable mental disorder in any given year. Serious mental illness — defined as resulting in serious functional impairment, which substantially limits one or more major life activities — affects 1 in 17 people.

And in a time when soldiers have returned from two separate wars, the challenges faced by our veterans are a particular concern. Studies have shown that 20 percent of returning Iraq and Afghanistan veterans report symptoms of post-traumatic stress disorder or major depression.

Left untreated, we know these disorders can be devastating to people's abilities to work, interact with their families, develop and maintain relationships, and lead normal lives. And with our experience in law enforcement and psychology, we also know that severe mental illness can manifest itself in behaviors that lead to involvement in the criminal justice system.

So how do we help people who struggle with mental illness — neurobiological conditions that disrupt thinking, emotions and behavior? The first step is to end the stigma associated with it. Mental illness is all too frequently viewed as less "valid" than physical illness, making the individuals afflicted by it feel that they are less legitimate patients. This stigma prevents people from seeking treatment and all too often prevents families from acknowledging the issue in the first place.

There also are serious gaps in how we treat mental illness compared with physical ailments, and they must be addressed. The barriers to timely, appropriate and consistent behavioral health care can be daunting. Decisions on whether treatment is necessary can seem arbitrary, with providers and patients left to battle insurers for basic information about how they arrived at a determination. The shortage of psychiatrists, psychotherapists and rooms in psychiatric hospitals only makes matters worse.

In Massachusetts, we have begun to take steps to correct this. The new cost containment law requires the Division of Insurance to issue regulations requiring carriers and contractors to comply with mental health parity laws. Private health insurers are required to submit an annual report certifying compliance with parity mandates, and the reports are subject to public review and hearing by DOI and the attorney general. The law also increases transparency in how decisions about reimbursement for treatment are made by insurers. We anticipate that this will ensure that decisions are made fairly and with adequate consideration of the reason and need for the request.

These changes are necessary and timely, but they are not the end of the road. We need to eliminate the stigma associated with mental illness, continue to tear down barriers to treatment, and ensure that health care parity is a reality. We need to work toward solutions to ensure that access to mental health treatment is available in emergency and non-emergency situations. We need to support continued treatment of our brave veterans who have returned home. And we must enhance our public safety efforts, including through possible legislative actions, with tools to address the underlying mental illness of certain defendants. That will be a win-win for the public and the individual.

Our brother grappled with mental illness throughout his life, and our family struggled with how to help him. There is no reason anyone in our commonwealth, or the people who love them, should suffer alone any longer.

Martha Coakley is attorney general of Massachusetts. Dr. Mary Coakley-Welch, her sister, is a licensed psychologist.

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